



Greater Hartford Legal Aid

Testimony before Judiciary Committee

March 30, 2011

Submitted by Lucy Potter

Greater Hartford Legal Aid

Raised Bill No. 1093: "An Act Concerning the Continuation of Child Support Obligations after the Termination of Parental Rights due to Abuse or Neglect of the Child" -- OPPOSE

Raised Bill No. 1181: "An Act Concerning Child Support Enforcement and Expedited Establishment of Paternity and support in Title IV-D Cases" -- SUPPORT

Raised Bill No. 1222: "An Act Concerning Parents with Child Support Obligations" -- SUPPORT CONCEPT BUT NOT THIS BILL

Raised Bill No. 6591: "An Act Concerning Minor and Technical Changes to the Child Support Statutes" -- SUPPORT WITH CHANGE IN SECTION 20

I am an attorney at Greater Hartford Legal Aid. I have represented low income Hartford area residents for many years. I have also served on the Fatherhood Advisory Council and the present and previous four Child Support Guideline commissions. I submit this testimony on behalf of Greater Hartford Legal Aid's low income clients.

Bills 1181 and 6591 are similar to legislation proposed in the three past sessions, by the Bureau of Child Support Enforcement and Support Enforcement Services to makes changes to an array of child support statutes. These changes are needed, overall, and hopefully you will see to passing them this year. I have a concern, however, about Section 20 of H.B. 6591:

Bill 6591, section 20- This section governing the promulgation of child support guidelines, deletes specific language regarding the treatment of parents who have reunited with their children. The present statute recognizes that such parents should be afforded greater leniency in repaying arrearages owing to the state, so that more income is available for the support of the child. Section 20 deletes language requiring the commission to consider the uniform contribution scale from Connecticut General Statutes, which exempts income below 250% of median income. Last year legal services and BCSE agreed on compromise language, which tracks the child support guidelines, because BCSE believed that the ongoing reference to the uniform contribution scale was confusing. That compromise language should be reinserted in this bill to assure that this protection continues. The language agreed to last year was:

"The guidelines shall require the payment order to be no more than one dollar per week if the obligor's gross income is less than or equal to two hundred fifty per cent of the federal poverty

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guidelines for the obligor's household size or, if the obligor's income is above that amount, no more than twenty percent of the imputed current support obligation."

Raised Bill 1093 would allow the continuation of a support obligation at the initiation of the other parent, following termination of the rights of a parent for abuse, neglect or failing to care for a child. The termination of parental rights severs the legal relationship between the parent and the child; continuing the financial obligation is not consistent with that and should be allowed, if at all, only in very limited circumstances involving abuse. But if the court can impose child support where termination results from neglect or failing to care for a child, parents who might otherwise be willing to agree to a voluntary termination will be much more resistant to doing so. Something as simple as a voluntary termination so that a step-parent can adopt the child may become much more difficult to obtain.

Raised Bill 1222

I don't know whether the drafters of this bill were aware of the New Haven "problem solving" session of the magistrate court. It is similar to this and has shown some success, with little or no resources other than the strong commitment of those who brought the collaboration together. Cases are taken from the contempt and modification docket, with the agreement of the parties, and scheduled one-on-one with a support magistrate, support enforcement staff and community providers to focus on and address the problems that hinder the person from making child support payments. Participants get involved in substance abuse and mental health counseling, job training and fatherhood programs, through the problem-solving session. Payments have increased by 34%. It would be good to build on this experience, add resources and extend the model to other regions of the state.

This bill, however, seems unrealistic on a few fronts. Jobs and job training are of course the key to child support payment, but they don't just materialize. Tax credits could help. But until there is a solid structure in place it is not feasible to exempt a person "who has applied in good faith to the pilot program" from incarceration. It should be left to the magistrate to evaluate the sincerity of the obligor's job search efforts in light of the effectiveness of the program offered.